

-----X
SECURITIES AND EXCHANGE COMMISSION,

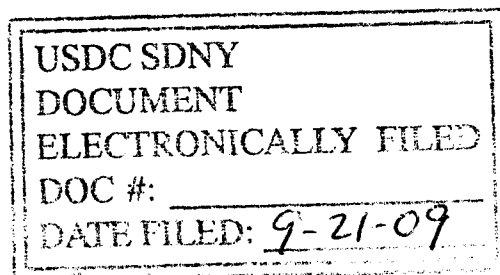
Plaintiff,

5.

PLATINUM INVESTMENT CORPORATION,
PLATINUM INVESTMENT HOLDING CORP.,
LEE ANTONUCCI, ANDREW ANTONUCCI,
MARCOS MARTINEZ, JAMES FRACE and
MATHEW BEAULIEU,

Defendants.
-----X

02 Civ 6093 (JSR)



**ORDER AUTHORIZING DISTRIBUTION AGENT TO:
(I) MAKE DISTRIBUTIONS TO ELIGIBLE CLAIMANTS IN
ACCORDANCE WITH PREVIOUSLY APPROVED LOSS
RATIO CALCULATION; (II) PAY KITTAY & GERSHFELD, P.C.
\$6,010 AS FINAL FEES AND EXPENSES; AND (III) ALLOW DAMASCO
& ASSOCIATES LLP TO PAY ITSELF \$1,700 FOR PREPARATION
AND FILING OF 2009 TAX RETURN AND RELATED TAX
COMPLIANCE SERVICES AND, IF APPLICABLE, PAY
ITSELF \$1,250 FOR PREPARATION AND FILING OF
2010 TAX RETURNS FROM THE
\$4,350 RESERVE IT IS PRESENTLY HOLDING**

Upon the motion of David R. Kittay, Distribution Agent for the Securities and Exchange Commission (the "Commission") in the above-captioned case dated September 1, 2009 (the "Motion"), for entry of an order authorizing the Distribution Agent to: (a) pay Kittay & Gershfeld, P.C. ("KG") \$6,010 in full and final payment of all fees and expenses due and owing to it; (b) permit Damasco & Associates LLP ("Damasco") to pay itself \$1,700 for preparation and filing of 2009 tax returns from the \$4,350 reserve (the "Tax Reserve") it is presently holding and, if applicable, pay itself \$1,250 from the Tax Reserve for preparation and filing of the 2010 tax return; and (c) make distributions to holders of allowed claims according to the *pro rata* loss

ratio previously approved by this Court in the amounts set forth on the Distribution Allocation annexed hereto as Exhibit A, such funds to be paid from the remaining \$71,723.89 (the “Distribution Fund”) the Distribution Agent will be left holding if the foregoing payments and reserve are authorized; and a copy of the Motion having been provided to counsel to the Commission; and any objections to the relief requested in the Motion having been interposed and considered by the Court; it is now hereby

ORDERED that the Distribution Agent is authorized to make distributions to the holders of eligible claims from the Distribution Fund as set forth on the Distribution Allocation annexed hereto as Exhibit A, hereto; and it is further

ORDERED that prior to making distributions to eligible claimants in accordance with the Distribution Allocation, the Distribution Agent is authorized to pay the sum of \$6,010 to KG, provided, however, that such distribution is subject to disgorgement if KG. fails to: (a) prepare and distribute the proposed distribution; (b) prepare and file a final report; and (c) turn over any remaining funds to the Commission; and it is further

ORDERED that Damasco is authorized to: (a) pay itself \$1,700 from the Tax Reserve after it prepares and files the 2009 tax return for the Distribution Fund; (b) pay itself \$1,250 from the Tax Reserve after it files and prepares the 2010 tax returns for the Distribution Fund; and (c) within 30 days of Damasco’s conclusion of its tax work for the Distribution Fund, remit the remainder of the Tax Reserve to the Commission for deposit into the US Treasury. If Damasco pays any funds to the Commission for deposit into the United States Treasury pursuant to this paragraph, the payment shall be delivered or mailed to the Office of Financial Management, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop 0-3, Alexandria, Virginia 22312, and shall be accompanied by a letter identifying the Distribution

Agent; setting forth the title and civil action number of this action and the name of this Court; and indicating that payment is made pursuant to the Plan and the Order approving the Plan and that the funds are being paid for deposit by the Comptroller, Securities and Exchange Commission, into the United States Treasury. Damasco shall simultaneously transmit photocopies of such payment and letter to the Commission's counsel in this action and to the Distribution Agent. Upon receipt of such funds from Damasco, the Commission's Office of Financial Management shall promptly remit the funds to the United States Treasury; and it is further

ORDERED that if for any reason monies, including returned checks or checks that have not been cashed, remain in the Distribution Fund after six months from the date the funds are disbursed to eligible claimants in accordance with the Motion, the Distribution Agent shall, without further order of the Court pay such funds to the Commission for deposit into the United States Treasury. If the Distribution Agent pays any funds to the Commission for deposit into the United States Treasury pursuant to this paragraph, the payment shall be delivered or mailed to the Office of Financial Management, Securities and Exchange Commission, Operations Center, 6432 General Green Way, Mail Stop 0-3, Alexandria, Virginia 22312, and shall be accompanied by a letter identifying the Distribution Agent; setting forth the title and civil action number of this action and the name of this Court; and indicating that payment is made pursuant to the Plan and the Order approving the Plan and that the funds are being paid for deposit by the Comptroller, Securities and Exchange Commission, into the United States Treasury. The Distribution Agent shall simultaneously transmit photocopies of such payment and letter to the Commission's counsel in this action. Upon receipt of such funds from the Distribution Agent, the Commission's Office of Financial Management shall promptly remit the funds to the United

States Treasury; and it is further

ORDERED, that the notice of the relief requested in the Motion provided to the Commission, care of its counsel, be, and it hereby is, good and sufficient notice of the relief requested in the Motion; and it is further

ORDERED, that upon receipt and acceptance by an eligible claimant of a distribution from the Distribution Fund, the eligible claimant shall be deemed to have released all claims that such claimant may have against the Distribution Agent, his agents and the Distribution Fund, and shall be deemed enjoined from prosecuting or asserting any such claims; and it is further

ORDERED that the determinations set forth in this Order are final and non-appealable.

Date: New York, New York
September 17, 2009


United States District Judge